

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

105TH LEGISLATIVE DAY

WEDNESDAY, MAY 29, 2002

12:15 O'CLOCK P.M.

No. 105
[May 29, 2002]

The Senate met pursuant to adjournment.
 Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
 Prayer by Senator Adeline Geo-Karis, Zion, Illinois.
 Senator Radogno led the Senate in the Pledge of Allegiance.

The Journal of Monday, May 27, 2002, was being read when on motion of Senator W. Jones further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator W. Jones moved that reading and approval of the Journal of Tuesday, May 28, 2002 be postponed pending arrival of the printed Journal.

The motion prevailed.

LEGISLATIVE MEASURES FILED

The following floor amendment to the Senate Resolution listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Resolution No. 410

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 822
 Senate Amendment No. 2 to House Bill 3717

At the hour of 12:35 o'clock p.m., Senator Dudycz presiding.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILLS ON SECRETARY'S DESK

On motion of Senator Mahar, Senate Bill No. 1545, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Mahar moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Brady
 Burzynski
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue

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Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpier
 Klemm
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1545.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Burzynski, Senate Bill No. 1690, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Burzynski moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 56; Nays None.

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The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

The motion prevailed.

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And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1690.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Noland, Senate Bill No. 1808, with House Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Noland moved that the Senate concur with the House in the adoption of their amendment to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben

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Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendment No. 1 to Senate Bill No. 1808.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Karpel, Senate Bill No. 1975, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Karpel moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Brady
 Burzynski
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Molaro

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Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to Senate Bill No. 1975.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sieben, Senate Bill No. 2017, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sieben moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Brady
 Burzynski
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz

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Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to **Senate Bill No. 2017**.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Dillard, **Senate Bill No. 2024**, with House Amendments numbered 1 and 2 on the Secretary's Desk, was taken up for immediate consideration.

Senator Dillard moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

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Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch

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Woolard
Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1 and 2 to Senate Bill No. 2024.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 12:47 o'clock p.m., Senator Donahue presiding.

On motion of Senator Rauschenberger, Senate Bill No. 2235, with House Amendments numbered 1, 2 and 3 on the Secretary's Desk, was taken up for immediate consideration.

Senator Rauschenberger moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno

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Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 3 to Senate Bill No. 2235.

Ordered that the Secretary inform the House of Representatives thereof.

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS ON SECRETARY'S DESK

On motion of Senator Radogno, House Bill No. 1975, with Senate Amendments numbered 1, 2, 3 and 4 on the Secretary's Desk, was taken up for immediate consideration.

Senator Radogno moved that the Senate refuse to recede from its Amendments numbered 1, 2, 3 and 4 to House Bill No. 1975 and that a First Committee of Conference consisting of five members on the part of the Senate and five members on the part of the House be appointed to adjust the differences between the two Houses in regard to said amendments.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Peterson, Radogno, Roskam, Jacobs and Obama.

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Syverson, House Bill No. 4975, with Senate Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Syverson moved that the Senate refuse to recede from its Amendment No. 1 to House Bill No. 4975 and that a First Committee of Conference consisting of five members on the part of the Senate and five members on the part of the House be appointed to adjust the differences between the two Houses in regard to said amendment.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Sieben, Syverson, T. Walsh, Cullerton and Jacobs.

Ordered that the Secretary inform the House of Representatives

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thereof.

On motion of Senator Radogno, House Bill No. 5874, with Senate Amendment No. 1 on the Secretary's Desk, was taken up for immediate consideration.

Senator Radogno moved that the Senate refuse to recede from its Amendment No. 1 to House Bill No. 5874 and that a First Committee of Conference consisting of five members on the part of the Senate and five members on the part of the House be appointed to adjust the differences between the two Houses in regard to said amendment.

The motion prevailed.

The President appointed as such Committee on the part of the Senate, the following: Senators Dillard, Hawkinson, Radogno, Cullerton and Obama.

Ordered that the Secretary inform the House of Representatives thereof.

REPORTS FROM RULES COMMITTEE

Senator Weaver, Chairperson of the Committee on Rules, during its May 29, 2002 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Executive: Senate Amendment No. 1 to Senate Resolution No. 410.
Judiciary: Senate Amendment No. 2 to House Bill 3717.

Senator Weaver, Chairperson of the Committee on Rules, during its May 29, 2002 meeting, reported the following Joint Action Motion has been assigned to the indicated Standing Committee of the Senate:

Executive: Motion to Concur with House Amendments numbered 1 and 3 to Senate Bill 1982.

Senator Weaver, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Amendment No. 2 to House Bill 822
Senate Amendment No. 3 to House Bill 1215

The foregoing floor amendments were placed on the Secretary's Desk.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Parker, Chairperson of the Committee on Transportation announced that the Transportation Committee will meet today in Room 400, Capitol Building, at 2:30 o'clock p.m.

Senator Hawkinson, Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 400, Capitol Building, at 3:00 o'clock p.m.

Senator Klemm, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212, Capitol Building, at 3:30 o'clock p.m.

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Senator Cronin, Chairperson of the Committee on Education announced that the Education Committee will meet today in Room 212, Capitol Building, at 2:30 o'clock p.m.

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator Clayborne was excused from attendance due to illness.

Senator Karpel asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

Senator Smith asked and obtained unanimous consent to recess for the purpose of a Democrat caucus.

At the hour of 1:47 o'clock p.m., the Chair announced that the Senate stand at recess until 4:30 o'clock p.m.

AFTER RECESS

At the hour of 4:24 o'clock p.m., the Senate resumed consideration of business.

Senator Donahue, presiding.

CONFERENCE COMMITTEE APPOINTED

Pursuant to action taken by the Senate on May 23, 2002, the President appointed the following Senators to be members of the First Conference Committee on Senate Bill No. 39: Senators Dillard, Hawkinson, Petka, Cullerton and Silverstein.

Ordered that the Secretary inform the House of Representatives thereof.

LEGISLATIVE MEASURES FILED

The following floor amendments to the House Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to House Bill 1535
Senate Amendment No. 1 to House Bill 4580
Senate Amendment No. 1 to House Bill 5236
Senate Amendment No. 1 to House Bill 5686

REPORTS FROM STANDING COMMITTEES

Senator Cronin, Chairperson of the Committee on Education, to which was referred the Motion to concur with House to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

Motion to concur House Amendment 1 to Senate Bill 1930

Under the rules, the foregoing motion is eligible for consideration by the Senate.

[May 29, 2002]

Senator Klemm, Chairperson of the Committee on Executive, to which was referred the Motion to concur with House amendments to the following Senate Bill, reported that the Committee recommends that it be approved for consideration:

Motion to concur H.A.'s 1 and 3 to Senate Bill 1982

Under the rules, the foregoing motion is eligible for consideration by the Senate.

Senator Klemm, Chairperson of the Committee on Executive to which was referred the following Senate floor amendment, reported that the Committee recommends that it be adopted:

Amendment No. 1 to Senate Resolution No. 410

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Hawkinson, Chairperson of the Committee on Judiciary, to which was referred the Motions to concur with House amendments to the following Senate Bills, reported that the Committee recommends that they be approved for consideration:

Motion to concur H.A.'s 1 and 2 to Senate Bill 1936

Motion to concur H.A.'s 1 and 4 to Senate Bill 2155

Under the rules, the foregoing motions are eligible for consideration by the Senate.

Senator Parker, Chairperson of the Committee on Transportations, to which was referred the Motions to concur with House amendments to the following Senate Bills, reported that the Committee recommends that they be adopted:

Motion to concur House Amendment 1 to Senate Bill 1880

Motion to concur H.A.s 1 and 2 to Senate Bill 1907

Under the rules, the foregoing motions are eligible for consideration by the Senate.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1657

A bill for AN ACT in relation to vehicles.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1657

House Amendment No. 2 to SENATE BILL NO. 1657

Passed the House, as amended, May 29, 2002.

[May 29, 2002]

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1657

AMENDMENT NO. 1. Amend Senate Bill 1657 on page 3, line 30, by replacing "and" with "and"; and on page 4, by replacing line 1 with the following:

"vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project or while the vehicle is parked alongside any roadway."; and

on page 5, by replacing lines 15 through 22 with the following:

"(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except motor vehicles or equipment of the State of Illinois, local authorities, and contractors, and union representatives may be so equipped; furthermore, such lights shall not be lighted on vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in highway maintenance or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of construction projects or are parked alongside any roadway."

AMENDMENT NO. 2 TO SENATE BILL 1657

AMENDMENT NO. 2. Amend Senate Bill 1657 on page 1, by replacing lines 4 and 5 with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 11-907, 11-908, and 12-215 as follows:

(625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

Sec. 11-907. Operation of vehicles and streetcars on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Code or a police vehicle properly and lawfully making use of an audible or visual signal,

(1) the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer and

(2) the operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(c) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least 4

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lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

As used in this subsection (c), "authorized emergency vehicle" includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code, while the owner or operator of the vehicle is engaged in his or her official duties.

(d) A person who violates subsection (c) of this Section commits a business offense punishable by a fine of not more than \$10,000. A person charged with the offense must appear in court to answer the charges. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code.

(e) If a violation of subsection (c) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(f) If a violation of subsection (c) of this Section results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(g) If a violation of subsection (c) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(h) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (c) of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(Source: P.A. 92-283, eff. 1-1-02.)

(625 ILCS 5/11-908) (from Ch. 95 1/2, par. 11-908)

Sec. 11-908. Vehicle approaching or entering a highway construction or maintenance area or zone.

(a) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.

(a-1) Upon entering a construction or maintenance zone when workers are present, a person who drives a vehicle shall:

(1) proceeding with due caution, make a lane change into a lane not adjacent to that of the workers present, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(a-2) A person who violates subsection (a-1) of this Section commits a business offense punishable by a fine of not more than \$10,000. A person charged with the offense must appear in court to answer the charges. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code.

(a-3) If a violation of subsection (a-1) of this Section results

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in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(a-4) If a violation of subsection (a-1) of this Section results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(a-5) If a violation of subsection (a-1) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(a-6) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (a-1) of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(b) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle engaged in construction or maintenance work displays flashing lights as provided in Section 12-215 of this Act.

(c) The driver of a vehicle shall stop if signaled to do so by a flagger or a traffic control signal and remain in such position until signaled to proceed. If a driver of a vehicle fails to stop when signaled to do so by a flagger, the flagger is authorized to report such offense to the State's Attorney or authorized prosecutor. The penalties imposed for a violation of this subsection (c) shall be in addition to any penalties imposed for a violation of subsection (a-1).

(Source: P.A. 86-611.)"; and

on page 6, below line 5, by inserting the following:

"Section 10. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.".

Under the rules, the foregoing Senate Bill No. 1657, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1697

A bill for AN ACT in relation to trusts.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1697

House Amendment No. 2 to SENATE BILL NO. 1697

Passed the House, as amended, May 29, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1697

AMENDMENT NO. 1. Amend Senate Bill 1697 by replacing everything

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after the enacting clause with the following:

"Section 5. The Trusts and Trustees Act is amended by adding Section 5.3 as follows:

(760 ILCS 5/5.3 new)

Sec. 5.3. Total return trusts.

(a) Conversion by trustee. A trustee may convert a trust to a total return trust as described in this Section if all of the following apply:

(1) The trust describes the amount that may or must be distributed to a beneficiary by referring to the trust's income, and the trustee determines that conversion to a total return trust will enable the trustee to better carry out the purposes of the trust and the conversion is in the best interests of the beneficiaries;

(2) conversion to a total return trust means the trustee will invest and manage trust assets seeking a total return without regard to whether that return is from income or appreciation of principal, and will make distributions in accordance with this Section (such a trust is called a "total return trust" in this Section);

(3) the trustee sends a written notice of the trustee's decision to convert the trust to a total return trust, specifying a prospective effective date for the conversion and including a copy of this Section, to the following beneficiaries, determined as of the date the notice is sent and assuming nonexercise of all powers of appointment:

(A) all of the legally competent beneficiaries who are currently receiving or eligible to receive income from the trust; and

(B) all of the legally competent beneficiaries who would receive or be eligible to receive a distribution of principal or income if the current interests of beneficiaries currently receiving or eligible to receive income ended;

(4) there are one or more legally competent income beneficiaries under subdivision (3)(A) of this subsection (a) and one or more legally competent remainder beneficiaries under subdivision (3)(B) of this subsection (a), determined as of the date of sending the notice;

(5) no beneficiary objects to the conversion to a total return trust in a writing delivered to the trustee within 60 days after the notice is sent; and

(6) the trustee has signed acknowledgments of receipt confirming that notice was received by each beneficiary required to be sent notice under subdivision (3) of this subsection (a).

(b) Conversion by agreement. Conversion to a total return trust may be made by agreement between a trustee and all the primary beneficiaries of the trust under the virtual representation provisions of Section 16.1 of this Act if those provisions otherwise apply. The agreement may include any actions a court could properly order under subsection (g) of this Section; however, any distribution percentage determined by the agreement may not be less than 3% nor greater than 5%.

(c) Conversion or reconversion by court.

(1) The trustee may for any reason elect to petition the court to order conversion to a total return trust, including without limitation the reason that conversion under subsection (a) is unavailable because:

(A) a beneficiary timely objects to the conversion to a total return trust;

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(B) there are no legally competent beneficiaries described in subdivision (3)(A) of subsection (a); or

(C) there are no legally competent beneficiaries described in subdivision (3)(B) of subsection (a).

(2) A beneficiary may request the trustee to convert to a total return trust. If the trustee declines or fails to act within 6 months after receiving a written request to do so, the beneficiary may petition the court to order the conversion.

(3) The trustee may petition the court prospectively to reconvert from a total return trust if the trustee determines that the reconversion will enable the trustee to better carry out the purposes of the trust. A beneficiary may request the trustee to petition the court prospectively to reconvert from a total return trust. If the trustee declines or fails to act within 6 months after receiving a written request to do so, the beneficiary may petition the court to order the reconversion.

(4) In a judicial proceeding under this subsection (c), the trustee may, but need not, present the trustee's opinions and reasons (A) for supporting or opposing conversion to (or reconversion from) a total return trust, including whether the trustee believes conversion (or reconversion) would enable the trustee to better carry out the purposes of the trust, and (B) about any other matters relevant to the proposed conversion (or reconversion). A trustee's actions in accordance with this subsection (c) shall not be deemed improper or inconsistent with the trustee's duty of impartiality unless the court finds from all the evidence that the trustee acted in bad faith.

(5) The court shall order conversion to (or reconversion prospectively from) a total return trust if the court determines that the conversion (or reconversion) will enable the trustee to better carry out the purposes of the trust and the conversion is in the best interests of the beneficiaries.

(6) Notwithstanding any other provision of this Section, a trustee has no duty to inform beneficiaries about the availability of this Section and has no duty to review the trust to determine whether any action should be taken under this Section unless requested to do so in writing by a beneficiary described in subdivision (3) of subsection (a).

(d) Post conversion. While a trust is a total return trust, all of the following shall apply to the trust:

(1) the trustee shall make income distributions in accordance with the governing instrument subject to the provisions of this Section;

(2) the term "income" in the governing instrument means an annual amount (the "distribution amount") equal to a percentage (the "distribution percentage") of the net fair market value of the trust's assets, whether the assets are considered income or principal under the Principal and Income Act, averaged over the lesser of:

(i) the 3 preceding years; or

(ii) the period during which the trust has been in existence;

(3) the distribution percentage for any trust converted to a total return trust by a trustee in accordance with subsection (a) shall be 4%; and

(4) the trustee shall pay to a beneficiary (in the case of an underpayment) and shall recover from a beneficiary (in the case of an overpayment) an amount equal to the difference between the amount properly payable and the amount actually paid, plus interest compounded annually at a rate per annum equal to the

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distribution percentage in the year or years while the underpayment or overpayment exists.

(e) Administration. The trustee, in the trustee's discretion, may determine any of the following matters in administering a total return trust as the trustee from time to time determines necessary or helpful for the proper functioning of the trust:

(1) the effective date of a conversion to a total return trust;

(2) the manner of prorating the distribution amount for a short year in which a beneficiary's interest commences or ceases;

(3) whether distributions are made in cash or in kind;

(4) the manner of adjusting valuations and calculations of the distribution amount to account for other payments from or contributions to the trust;

(5) whether to value the trust's assets annually or more frequently;

(6) what valuation dates and how many valuation dates to use;

(7) valuation decisions about any asset for which there is no readily available market value, including:

(A) how frequently to value such an asset;

(B) whether and how often to engage a professional appraiser to value such an asset; and

(C) whether to exclude the value of such an asset from the net fair market value of the trust's assets under subdivision (d)(2) for purposes of determining the distribution amount. Any such asset so excluded is referred to as an "excluded asset" in this subsection (e), and the trustee shall distribute any net income received from the excluded asset as provided for in the governing instrument, subject to the following principles:

(i) unless the trustee determines there are compelling reasons to the contrary considering all relevant factors including the best interests of the beneficiaries, the trustee shall treat each asset for which there is no readily available market value as an excluded asset;

(ii) if tangible personal property or real property is possessed or occupied by a beneficiary, the trustee shall not limit or restrict any right of the beneficiary to use the property in accordance with the governing instrument whether or not the trustee treats the property as an excluded asset;

(iii) examples of assets for which there is a readily available market value include: cash and cash equivalents; stocks, bonds, and other securities and instruments for which there is an established market on a stock exchange, in an over-the-counter market, or otherwise; and any other property that can reasonably be expected to be sold within one week of the decision to sell without extraordinary efforts by the seller;

(iv) examples of assets for which there is no readily available market value include: stocks, bonds, and other securities and instruments for which there is no established market on a stock exchange, in an over-the-counter market, or otherwise; real property; tangible personal property; and artwork and other collectibles; and

(8) any other administrative matters as the trustee determines necessary or helpful for the proper functioning of the

total return trust.

(f) Allocations.

(1) Expenses, taxes, and other charges that would be deducted from income if the trust were not a total return trust shall not be deducted from the distribution amount.

(2) Unless otherwise provided by the governing instrument, the trustee shall fund the distribution amount each year from the following sources for that year in the order listed: first from net income (as the term would be determined if the trust were not a total return trust), then from other ordinary income as determined for federal income tax purposes, then from net realized short-term capital gains as determined for federal income tax purposes, then from net realized long-term capital gains as determined for federal income tax purposes, then from trust principal comprised of assets for which there is a readily available market value, and then from other trust principal.

(g) Court orders. The court may order any of the following actions in a proceeding brought by a trustee in accordance with subdivision (c)(1), (c)(2), or (c)(3):

(1) select a distribution percentage other than 4%;

(2) average the valuation of the trust's net assets over a period other than 3 years;

(3) reconvert prospectively from a total return trust;

(4) direct the distribution of net income (determined as if the trust were not a total return trust) in excess of the distribution amount as to any or all trust assets if the distribution is necessary to preserve a tax benefit; or

(5) change or direct any administrative procedure as the court determines necessary or helpful for the proper functioning of the total return trust.

(h) Restrictions. The distribution amount may not be less than the net income of the trust, determined without regard to the provisions of this Section, for either a trust for which an estate tax or a gift tax marital deduction was or may be claimed in whole or in part (but only during the lifetime of the spouse for whom the trust was created), or a trust that was exempt in whole or in part from generation-skipping transfer tax on the effective date of this amendatory Act of the 92nd General Assembly by reason of any effective date or transition rule. Conversion to a total return trust does not affect any provision in the governing instrument:

(1) directing or authorizing the trustee to distribute principal;

(2) directing or authorizing the trustee to distribute a fixed annuity or a fixed fraction of the value of trust assets;

(3) authorizing a beneficiary to withdraw a portion or all of the principal; or

(4) in any manner that would diminish an amount permanently set aside for charitable purposes under the governing instrument unless both income and principal are so set aside.

(i) Tax limitations. If a particular trustee is a beneficiary of the trust and conversion or failure to convert would enhance or diminish the beneficial interest of the trustee, or if possession or exercise of the conversion power by a particular trustee would alone cause any individual to be treated as owner of a part of the trust for income tax purposes or cause a part of the trust to be included in the gross estate of any individual for estate tax purposes, then that particular trustee may not participate as a trustee in the exercise of the conversion power; however:

(1) the trustee may petition the court under subdivision (c)(1) to order conversion in accordance with this Section; and

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(2) if the trustee has one or more co-trustees to whom this subsection (h) does not apply, the co-trustee or co-trustees may convert the trust to a total return trust in accordance with this Section.

(j) Releases. A trustee may irrevocably release the power granted by this Section if the trustee reasonably believes the release is in the best interests of the trust and its beneficiaries. The release may be personal to the releasing trustee or may apply generally to some or all subsequent trustees, and the release may be for any specified period, including a period measured by the life of an individual.

(k) Remedies. A trustee who reasonably and in good faith takes or omits to take any action under this Section is not liable to any person interested in the trust. If a trustee reasonably and in good faith takes or omits to take any action under this Section and a person interested in the trust opposes the act or omission, the person's exclusive remedy is to obtain an order of the court directing the trustee to convert the trust to a total return trust, to reconvert from a total return trust, to change the distribution percentage, or to order any administrative procedures the court determines necessary or helpful for the proper functioning of the trust. An act or omission by a trustee under this Section is presumed taken or omitted reasonably and in good faith unless it is determined by the court to have been an abuse of discretion. Any claim by any person interested in the trust that an act or omission by a trustee under this Section was an abuse of discretion is barred if not asserted in a proceeding commenced by or on behalf of the person within 2 years after the trustee has sent to the person or the person's personal representative a notice or report in writing sufficiently disclosing facts fundamental to the claim such that the person knew or reasonably should have known of the claim. The preceding sentence shall not apply to a person who was under a legal disability at the time the notice or report was sent and who then had no personal representative. For purposes of this subsection (k), a personal representative refers to a court appointed guardian or conservator of the estate of a person.

(l) Application. This Section is available to trusts in existence on the effective date of this amendatory Act of the 92nd General Assembly or created after that date. This Section shall be construed as pertaining to the administration of a trust and shall be available to any trust that is administered in Illinois under Illinois law or that is governed by Illinois law with respect to the meaning and effect of its terms unless:

(1) the trust is a trust described in Internal Revenue Code Section 170(f)(2)(B), 664(d), 1361(d), 2702(a)(3), or 2702(b); or

(2) the governing instrument expressly prohibits use of this Section by specific reference to this Section. A provision in the governing instrument in the form: "Neither the provisions of Section 5.3 of the Trusts and Trustees Act nor any corresponding provision of future law may be used in the administration of this trust" or a similar provision demonstrating that intent is sufficient to preclude the use of this Section.

Section 99. Effective date. This Act takes effect upon becoming law."

AMENDMENT NO. 2 TO SENATE BILL 1697

AMENDMENT NO. 2. Amend Senate Bill 1697, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 3, line 18, by inserting "or adjust the distribution percentage"

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after "trust"; and
 on page 3, line 21, by inserting "or adjustment" after "conversion";
 and
 on page 3, line 23, by inserting "or adjust the distribution percentage" after "trust"; and
 on page 3, line 24, by inserting "or adjustment" after "reconversion"; and
 on page 3, line 28, by inserting "or adjust the distribution percentage" after "trust"; and
 on page 3, line 31, by inserting "or adjustment" after "reconversion"; and
 on page 4, line 1, by inserting "or adjustment of the distribution percentage of" after "from"; and
 on page 4, line 3, by inserting "or adjustment of the distribution percentage" after "reconversion"; and
 on page 4, line 6, by inserting "or adjustment of the distribution percentage" after "reconversion"; and
 on page 4, line 12, by inserting "or adjustment of the distribution percentage of" after "from"; and
 on page 4, line 14, by inserting "or adjustment of the distribution percentage" after "reconversion"; and
 on page 4, line 15 by inserting "(or reconversion or adjustment of the distribution percentage)" after "conversion"; and
 on page 7, line 34, by inserting "or a beneficiary" after "trustee";
 and
 on page 8, line 5 by inserting "or adjust the distribution percentage of" after "from"; and
 on page 8, by inserting after line 14 the following:
 "Nothing in this subsection (g) limits the equitable powers of the court to grant other relief."; and
 on page 9, line 18 by changing "(h)" to "(i)".

Under the rules, the foregoing Senate Bill No. 1697, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1917

A bill for AN ACT in relation to minors.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1917

Passed the House, as amended, May 29, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1917

AMENDMENT NO. 1. Amend Senate Bill 1917 as follows:
 on page 1, by replacing lines 4 and 5 with the following:

"Section 1. Findings; validation; application.

(a) Public Act 90-456, effective January 1, 1998, was entitled "An Act in relation to criminal law.". It contained provisions amending the Criminal Code of 1961, the Code of Criminal Procedure of 1963, and the Emergency Telephone System Act, all pertaining to the

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subject of criminal law. It also contained a provision amending subsection (b) of Section 2-14 of the Juvenile Court Act of 1987, relating to the commencement of civil adjudicatory hearings in abuse, neglect, and dependency cases.

(b) The Illinois Supreme Court, in *People v. Sypien*, Docket No. 89265, has ruled that the inclusion of the amendment to the Juvenile Court Act of 1987 violated the single subject clause of the Illinois Constitution (Article IV, Section 8(d)), and that Public Act 90-456 is therefore unconstitutional in its entirety.

(c) This Act re-enacts Section 2-14 of the Juvenile Court Act of 1987. The text of that Section includes both the changes made by Public Act 90-456 and changes made by subsequent amendments. In order to avoid confusion with the changes made by subsequent amendments, the Section that is re-enacted in this Act is shown as existing text (i.e., without striking and underscoring). This Act is not intended to supersede any other Public Act that amends the text of the re-enacted Section as set forth in this Act. This Act also amends Section 2-22 of the Juvenile Court Act of 1987.

(d) All otherwise lawful actions taken before the effective date of this Act in reliance on or pursuant to Section 2-14 of the Juvenile Court Act of 1987, as set forth in Public Act 90-456 or as subsequently amended, by any officer, employee, or agency of State government or by any other person or entity, are hereby validated.

(e) This Act applies to actions or proceedings pending on or after the effective date of Public Act 90-456 (January 1, 1998), as well as to actions or proceedings pending on or after the effective date of this Act.

Section 5. The Juvenile Court Act of 1987 is amended by re-enacting Section 2-14 and by changing Section 2-22 as follows:

(705 ILCS 405/2-14) (from Ch. 37, par. 802-14)

Sec. 2-14. Date for Adjudicatory Hearing.

(a) Purpose and policy. The legislature recognizes that serious delay in the adjudication of abuse, neglect, or dependency cases can cause grave harm to the minor and the family and that it frustrates the health, safety and best interests of the minor and the effort to establish permanent homes for children in need. The purpose of this Section is to insure that, consistent with the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, as amended, and the intent of this Act, the State of Illinois will act in a just and speedy manner to determine the best interests of the minor, including providing for the safety of the minor, identifying families in need, reunifying families where the minor can be cared for at home without endangering the minor's health or safety and it is in the best interests of the minor, and, if reunification is not consistent with the health, safety and best interests of the minor, finding another permanent home for the minor.

(b) When a petition is filed alleging that the minor is abused, neglected or dependent, an adjudicatory hearing shall be commenced within 90 days of the date of service of process upon the minor, parents, any guardian and any legal custodian, unless an earlier date is required pursuant to Section 2-13.1. Once commenced, subsequent delay in the proceedings may be allowed by the court when necessary to ensure a fair hearing.

(c) Upon written motion of a party filed no later than 10 days prior to hearing, or upon the court's own motion and only for good cause shown, the Court may continue the hearing for a period not to exceed 30 days, and only if the continuance is consistent with the health, safety and best interests of the minor. When the court grants a continuance, it shall enter specific factual findings to support its order, including factual findings supporting the court's

determination that the continuance is in the best interests of the minor. Only one such continuance shall be granted. A period of continuance for good cause as described in this Section shall temporarily suspend as to all parties, for the time of the delay, the period within which a hearing must be held. On the day of the expiration of the delay, the period shall continue at the point at which it was suspended.

The term "good cause" as applied in this Section shall be strictly construed and be in accordance with Supreme Court Rule 231 (a) through (f). Neither stipulation by counsel nor the convenience of any party constitutes good cause. If the adjudicatory hearing is not heard within the time limits required by subsection (b) or (c) of this Section, upon motion by any party the petition shall be dismissed without prejudice.

(d) The time limits of this Section may be waived only by consent of all parties and approval by the court.

(e) For all cases filed before July 1, 1991, an adjudicatory hearing must be held within 180 days of July 1, 1991.

(Source: P.A. 90-28, eff. 1-1-98; 90-456, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98.)"

Under the rules, the foregoing Senate Bill No. 1917, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 1949

A bill for AN ACT concerning guardianship.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 2 to SENATE BILL NO. 1949

Passed the House, as amended, May 29, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 2 TO SENATE BILL 1949

AMENDMENT NO. 2. Amend Senate Bill 1949, on page 2, line 28, by replacing "The" with "Except in a county that has a population exceeding 3,000,000 people, the".

Under the rules, the foregoing Senate Bill No. 1949, with House Amendment No. 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2164

A bill for AN ACT in relation to vehicles.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the

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Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2164

Passed the House, as amended, May 29, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2164

AMENDMENT NO. 1. Amend Senate Bill 2164 on page 2, by replacing lines 20 through 27 with the following:

"(d-5) No person may drive a bus that has been chartered for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities unless the person has a valid school bus driver permit in addition to any other permit or license that is required to operate that bus. This subsection (d-5) does not apply to any bus driver employed by a public transportation provider authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is on a regularly scheduled route for the transporting of other fare paying passengers."

Under the rules, the foregoing Senate Bill No. 2164, with House Amendment No. 1, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO 1542

A bill for AN ACT concerning enterprise zones.

SENATE BILL NO 1623

A bill for AN ACT in regard to vehicles.

SENATE BILL NO 1760

A bill for AN ACT concerning taxes.

SENATE BILL NO 1924

A bill for AN ACT concerning vehicles.

Passed the House, May 29, 2002.

ANTHONY D. ROSSI, Clerk of the House

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 447

Offered by Senator Noland and all Senators:

Mourns the death of Norman L. Schultz of Effingham.

The foregoing resolution was referred to the Resolutions Consent Calendar.

HOUSE BILLS RECALLED

On motion of Senator Dillard, House Bill No. 1215 was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment:

AMENDMENT NO. 2

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AMENDMENT NO. 2. Amend House Bill 1215 by replacing the title with the following:

"AN ACT concerning libraries."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-38015 as follows:

(55 ILCS 5/5-38015 new)

Sec. 5-38015. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any authorized adult employee of a public library from having unfiltered access to the Internet or an online service for legitimate scientific or educational purposes.

Section 10. The Illinois Local Library Act is amended by adding Section 1-10 as follows:

(75 ILCS 5/1-10 new)

Sec. 1-10. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any authorized adult employee of a public library from having unfiltered access to the Internet or an online service for legitimate scientific or educational purposes.

Section 20. The Illinois Library System Act is amended by adding Section 10.1 as follows:

(75 ILCS 10/10.1 new)

Sec. 10.1. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961,

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child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any authorized adult employee of a public library from having unfiltered access to the Internet or an online service for legitimate scientific or educational purposes.

Section 30. The Public Library District Act of 1991 is amended by adding Section 30-110 as follows:

(75 ILCS 16/30-110 new)

Sec. 13-110. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any authorized adult employee of a public library from having unfiltered access to the Internet or an online service for legitimate scientific or educational purposes.

Section 40. The Chicago Public Library Act is amended by adding Section 1.5 as follows:

(75 ILCS 20/1.5 new)

Sec. 1.5. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider

that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any authorized adult employee of a public library from having unfiltered access to the Internet or an online service for legitimate scientific or educational purposes.

Section 50. The Village Library Act is amended by adding Section 4.5 as follows:

(75 ILCS 40/4.5 new)

Sec. 4.5. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any authorized adult employee of a public library from having unfiltered access to the Internet or an online service for legitimate scientific or educational purposes.

Section 60. The Library Incorporation Act is amended by adding Section 1.5 as follows:

(75 ILCS 60/1.5 new)

Sec. 1.5. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any authorized adult employee of a public library from having unfiltered access to the Internet or an online service for legitimate scientific or educational purposes.

Section 70. The Libraries in Parks Act is amended by adding Section 3b as follows:

(75 ILCS 65/3b new)

Sec. 3b. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are

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obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any authorized adult employee of a public library from having unfiltered access to the Internet or an online service for legitimate scientific or educational purposes."

Senator Dillard moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

Senator Dillard offered the following amendment and moved it adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1215 by replacing the title with the following:

"AN ACT concerning libraries."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-38015 as follows:

(55 ILCS 5/5-38015 new)

Sec. 5-38015. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any adult from having unfiltered access to the Internet or an online service.

Section 10. The Illinois Local Library Act is amended by adding Section 1-10 as follows:

(75 ILCS 5/1-10 new)

Sec. 1-10. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961,

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child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any adult from having unfiltered access to the Internet or an online service.

Section 20. The Illinois Library System Act is amended by adding Section 10.1 as follows:

(75 ILCS 10/10.1 new)

Sec. 10.1. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any adult from having unfiltered access to the Internet or an online service.

Section 30. The Public Library District Act of 1991 is amended by adding Section 30-110 as follows:

(75 ILCS 16/30-110 new)

Sec. 13-110. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any adult from having unfiltered access to the Internet or an online service.

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Section 40. The Chicago Public Library Act is amended by adding Section 1.5 as follows:

(75 ILCS 20/1.5 new)

Sec. 1.5. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any adult from having unfiltered access to the Internet or an online service.

Section 50. The Village Library Act is amended by adding Section 4.5 as follows:

(75 ILCS 40/4.5 new)

Sec. 4.5. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any adult from having unfiltered access to the Internet or an online service.

Section 60. The Library Incorporation Act is amended by adding Section 1.5 as follows:

(75 ILCS 60/1.5 new)

Sec. 1.5. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks

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to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any adult from having unfiltered access to the Internet or an online service.

Section 70. The Libraries in Parks Act is amended by adding Section 3b as follows:

(75 ILCS 65/3b new)

Sec. 3b. Computer access by minors; explicit sexual materials.

(a) In this Section:

"Explicit sexual materials" means those materials that are obscene as defined in Section 11-20 of the Criminal Code of 1961, child pornography as defined in Section 11-20.1 of the Criminal Code of 1961, or materials harmful to minors as defined in Section 11-21 of the Criminal Code of 1961.

"Public access computer" means a computer that is located in a public library, other than a law library or a school or academic library, and that is connected to any computer communication system.

"Public library" means a library that is created under this Act.

(b) A public library that allows minors to use a public access computer must either (i) equip the computer with software that seeks to prevent minors from gaining access to explicit sexual materials or (ii) obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials.

(c) This Section shall not be construed to exclude any adult from having unfiltered access to the Internet or an online service."

The motion prevailed.

And the amendment was adopted, and ordered printed.

And House Bill No. 1215, as amended, was returned to the order of third reading.

On motion of Senator Dillard, House Bill No. 5240 was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Rules.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 5240 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 6-206, 11-1011, 11-1201, and 11-1201.1 as follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses

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against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a police officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, or any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section

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11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code; ~~or~~

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction; ~~or~~

37. Has committed a violation of subsection (c) of Section 11-907 of this Code; ~~or~~

38. Has committed a second or subsequent violation of Section 11-1201 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle

for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State

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DUI Administration Fund an amount not to exceed \$20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; revised 8-27-01.)

(625 ILCS 5/11-1011) (from Ch. 95 1/2, par. 11-1011)

Sec. 11-1011. Bridge and railroad signals.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

(c) No pedestrian shall enter, remain upon or traverse over a railroad grade crossing or pedestrian walkway crossing a railroad track when an audible bell or clearly visible electric or mechanical signal device is operational giving warning of the presence, approach, passage, or departure of a railroad train.

(d) A violation of any part of this Section is a petty offense for which a \$250 fine shall be imposed for a first violation, and a \$500 fine shall be imposed for a second or subsequent violation. The

court may impose 25 hours of community service in place of the \$250 fine for a first violation shall result in a mandatory fine of \$500 or 50 hours of community service.

(e) Local authorities shall impose fines as established in subsection (d) for pedestrians who fail to obey signals indicating the presence, approach, passage, or departure of a train.

(Source: P.A. 89-186, eff. 1-1-96; 89-658, eff. 1-1-97.)

(625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

Sec. 11-1201. Obedience to signal indicating approach of train.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing;

5. A railroad train is approaching so closely that an immediate hazard is created.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(c) The Department, and local authorities with the approval of the Department, are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

(d) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within 50 feet but not less than 15 feet from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

(d-5) No person may drive any vehicle through a railroad crossing if there is insufficient space to drive completely through the crossing without stopping.

(e) It is unlawful to violate any part of this Section.

(1) A violation of this Section is a petty offense for which a fine of \$250 shall be imposed for a first violation, and a fine of \$500 shall be imposed for a second or subsequent violation. The court may impose 25 hours of community service in

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place of the \$250 fine for the first violation.

(2) For a second or subsequent violation, the Secretary of State may suspend the driving privileges of the offender for a minimum of 6 months.

~~A--first--conviction--of--a--person--for--a--violation--of--any--part--of--this--Section--shall--result--in--a--mandatory--fine--of--\$250--all--subsequent--convictions--of--that--person--for--any--violation--of--any--part--of--this--Section--shall--each--result--in--a--mandatory--fine--of--\$500--~~

(f) Corporate authorities of municipal corporations regulating operators of vehicles that fail to obey signals indicating the presence, approach, passage, or departure of a train shall impose fines as established in subsection (e) of this Section.

(Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02; revised 9-19-01)

(625 ILCS 5/11-1201.1)

Sec. 11-1201.1. Automated Railroad Crossing Enforcement System.

(a) For the purposes of this Section, an automated railroad grade crossing enforcement system is a system operated by a law enforcement agency that records a driver's response to automatic, electrical or mechanical signal devices and crossing gates. The system shall be designed to obtain a clear photograph or other recorded image of the vehicle, ~~vehicle operator~~ and the vehicle registration plate of a vehicle in violation of Section 11-1201. The photograph or other recorded image shall also display the time, date and location of the violation.

(b) Commencing on January 1, 1996, the Illinois Commerce Commission and the Commuter Rail Board of the Regional Transportation Authority shall, in cooperation with local law enforcement agencies, establish a 5 year pilot program within a county with a population of between 750,000 and 1,000,000 using an automated railroad grade crossing enforcement system. The Commission shall determine the 3 railroad grade crossings within that county that pose the greatest threat to human life based upon the number of accidents and fatalities at the crossings during the past 5 years and with approval of the local law enforcement agency equip the crossings with an automated railroad grade crossing enforcement system.

(b-1) Commencing on July 20, 2001 (the effective date of Public Act 92-98) ~~this amendatory Act of the 92nd General Assembly~~, the Illinois Commerce Commission and the Commuter Rail Board may, in cooperation with the local law enforcement agency, establish in a county with a population of between 750,000 and 1,000,000 a 2 year pilot program using an automated railroad grade crossing enforcement system. This pilot program may be established at a railroad grade crossing designated by local authorities. No State moneys may be expended on the automated railroad grade crossing enforcement system established under this pilot program.

(c) For each violation of Section 11-1201 recorded by an automatic railroad grade crossing system, the local law enforcement agency having jurisdiction shall issue a written Uniform Traffic Citation of the violation to the registered owner of the vehicle as the alleged violator. The Uniform Traffic Citation shall be delivered to the registered owner of the vehicle, by mail, within 30 days of the violation. The Uniform Traffic Citation shall include the name and address of vehicle owner, the vehicle registration number, the offense charged, the time, date, and location of the violation, the first available court date and that the basis of the citation is the photograph or other recorded image from the automated railroad grade crossing enforcement system.

(d) The Uniform Traffic Citation issued to the registered owner of the vehicle shall be accompanied by a written notice, the contents

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of which is set forth in subsection (d-1) of this Section, explaining how the registered owner of the vehicle can elect to proceed by either paying the fine or challenging the issuance of the Uniform Traffic Citation.

(d-1) The written notice explaining the alleged violator's rights and obligations must include the following text:

"You have been served with the accompanying Uniform Traffic Citation and cited with having violated Section 11-1201 of the Illinois Vehicle Code. You can elect to proceed by:

1. Paying the fine; or
2. Challenging the issuance of the Uniform Traffic Citation in court; or
3. If you were not the operator of the vehicle at the time of the alleged offense, notifying in writing the local law enforcement agency that issued the Uniform Traffic Citation of the number of the Uniform Traffic Citation received and the name and address of the person operating the vehicle at the time of the alleged offense. If you fail to so notify in writing the local law enforcement agency of the name and address of the operator of the vehicle at the time of the alleged offense, you may be presumed to have been the operator of the vehicle at the time of the alleged offense."

(d-2) If the registered owner of the vehicle was not the operator of the vehicle at the time of the alleged offense, and if the registered owner notifies the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the local law enforcement agency having jurisdiction shall then issue a written Uniform Traffic Citation to the person alleged by the registered owner to have been the operator of the vehicle at the time of the alleged offense. If the registered owner fails to notify in writing the local law enforcement agency having jurisdiction of the name and address of the operator of the vehicle at the time of the alleged offense, the registered owner may be presumed to have been the operator of the vehicle at the time of the alleged offense.

(e) Evidence.

(i) A certificate alleging that a violation of Section 11-1201 occurred, sworn to or affirmed by a duly authorized agency, based on inspection of recorded images produced by an automated railroad crossing enforcement system are evidence of the facts contained in the certificate and are admissible in any proceeding alleging a violation under this Section.

(ii) Photographs or recorded images made by an automatic railroad grade crossing enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of Section 11-1201 of the Illinois Vehicle Code. However, any photograph or other recorded image evidencing a violation of Section 11-1201 shall be admissible in any proceeding resulting from the issuance of the Uniform Traffic Citation when there is reasonable and sufficient proof of the accuracy of the camera or electronic instrument recording the image. There is a rebuttable presumption that the photograph or recorded image is accurate if the camera or electronic recording instrument was in good working order at the beginning and the end of the day of the alleged offense.

(f) Rail crossings equipped with an automatic railroad grade crossing enforcement system shall be posted with a sign visible to approaching traffic stating that the railroad grade crossing is being monitored, that citations will be issued, and the amount of the fine

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for violation.

(g) Except as provided in subsection (b-1), the cost of the installation and maintenance of each automatic railroad grade crossing enforcement system shall be paid from the Grade Crossing Protection Fund if the rail line is not owned by Commuter Rail Board of the Regional Transportation Authority. Except as provided in subsection (b-1), if the rail line is owned by the Commuter Rail Board of the Regional Transportation Authority, the costs of the installation and maintenance shall be paid from the Regional Transportation Authority's portion of the Public Transportation Fund.

(h) The Illinois Commerce Commission shall issue a report to the General Assembly at the conclusion of the 5 year pilot program established under subsection (b) on the effectiveness of the automatic railroad grade crossing enforcement system.

(i) If any part or parts of this Section are held by a court of competent jurisdiction to be unconstitutional, the unconstitutionality shall not affect the validity of the remaining parts of this Section. The General Assembly hereby declares that it would have passed the remaining parts of this Section if it had known that the other part or parts of this Section would be declared unconstitutional.

(j) Penalty.

(i) A violation of this Section is a petty offense for which a fine of \$250 shall be imposed for a first violation, and a fine of \$500 shall be imposed for a second or subsequent violation. The court may impose 25 hours of community service in place of the \$250 fine for the first violation.

(ii) For a second or subsequent violation, the Secretary of State may suspend the registration of the motor vehicle for a period of at least 6 months.

(Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01; revised 10-18-01.)".

The motion prevailed and the amendment was adopted and ordered printed.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 5240, AS AMENDED, with regard to Senate Amendment number 2, on page 14, by restoring the stricken language in line 33.

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 5240, as amended, was returned to the order of third reading.

On motion of Senator Dillard, House Bill No. 5450 was recalled from the order of third reading to the order of second reading.

Senators E. Jones - L. Walsh offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 5450 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Section 29C-10 as follows:

(10 ILCS 5/29C-10) (from Ch. 46, par. 29C-10; formerly Ch. 46, par. 812)

Sec. 29C-10. Terms of Senators in each group. Senators shall be

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elected from districts in each group of legislative districts on the dates and for terms as follows:

First group - 2002 1992 and 2006 1996 for 4 years each, and in 2010 2000 for 2 years;

Second group - 2002 1992 for 4 years, 2006 1996 for 2 years, and in 2008 1998 for 4 years; and

Third group - 2002 1992 for 2 years, and in 2004 1994 and 2008 1998 for 4 years each.

All 59 Senators, one from each of the 59 districts, shall be elected at the first general election of representatives next occurring after each decennial redistricting.

(Source: P.A. 87-827; 87-1052.)

Section 99. Effective date. This Act takes effect upon becoming law.".

Senator E. Jones moved the adoption of the foregoing amendment.

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 5450, as amended, was returned to the order of third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Dillard, House Bill No. 1215 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 47; Nays 10.

The following voted in the affirmative:

Bomke
Brady
Burzynski
Cronin
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Luechtefeld
Madigan
Mahar
Myers
Noland
Obama
O'Daniel
O'Malley
Parker

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Peterson
 Petka
 Radogno
 Rauschenberger
 Roskam
 Shadid
 Shaw
 Sieben
 Smith
 Stone
 Sullivan
 Syverson
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The following voted in the negative:

Bowles
 Cullerton
 DeLeo
 del Valle
 Link
 Molaro
 Munoz
 Ronen
 Silverstein
 Trotter

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Roskam, House Bill No. 4353 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Brady
 Burzynski
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard

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Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Dillard, House Bill No. 5240 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

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And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpiel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver

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Welch
 Wooldard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

On motion of Senator Dillard, House Bill No. 5450 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Brady
 Burzynski
 Cronin
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpel
 Klemm
 Lauzen
 Lightford
 Link
 Luechtefeld
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen

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Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

At the hour of 4:47 o'clock p.m., Senator Dudycz presiding.

On motion of Senator Watson, House Bill No. 5567 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
 Bowles
 Brady
 Burzynski
 Cullerton
 DeLeo
 del Valle
 Demuzio
 Dillard
 Donahue
 Dudycz
 Geo-Karis
 Halvorson
 Hawkinson
 Hendon
 Jacobs
 Jones, E.
 Jones, W.
 Karpiel
 Klemm
 Lauzen
 Lightford
 Link

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Luechtefeld
 Madigan
 Mahar
 Molaro
 Munoz
 Myers
 Noland
 Obama
 O'Daniel
 O'Malley
 Parker
 Peterson
 Petka
 Radogno
 Rauschenberger
 Ronen
 Roskam
 Shadid
 Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

HOUSE BILL RECALLED

On motion of Senator Donahue, House Bill No. 4453 was recalled from the order of third reading to the order of second reading.

Senator Donahue offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 4453, AS AMENDED, by inserting the following after the end of Section 1-40:

"Section 1-45. Upon the payment of the sum of \$1,140.00 to the State of Illinois, and subject to the conditions set forth in Section 1-900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Ogle County, Illinois:

Parcel No. 2DOG037

A parcel of land in the Southwest Quarter of Section 4, Township 22 North, Range 8 East of the Fourth Principal Meridian, Ogle

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County, Illinois, described as follows:

Commencing at the South Quarter Corner of said Section 4; thence northerly on the east line of the Southwest Quarter of said Section 4, said line having a bearing of North 0 degrees 48 minutes 27 seconds East, a distance of 332.94 feet to a point; thence westerly on a line having a bearing of North 89 degrees 13 minutes 29 seconds West, a distance of 67.24 feet to a point in the northwesterly right-of-way line of a public highway designated S.B.I. Route 87 (Sterling Road), said point being the Point of Beginning of the hereinafter described parcel of land; thence southerly on a line having a bearing of South 0 degrees 46 minutes 31 seconds West, a distance of 234.02 feet to a point; thence southwesterly on a line having a bearing of South 33 degrees 09 minutes 47 seconds West, a distance of 32.95 feet to a point; thence westerly on a line having a bearing of South 88 degrees 54 minutes 10 seconds West, a distance of 235.92 feet to a point in said northwesterly right-of-way line; thence northeasterly on said northwesterly right-of-way line, a distance of 379.95 feet on a curve to the left, having a radius of 477.18 feet, a central angle of 45 degrees 37 minutes 17 seconds and the long chord of said curve bears North 44 degrees 00 minutes 40 seconds East, a chord distance of 369.99 feet to the Point of Beginning, containing 0.542 acre, more or less.

For the purpose of this description, said east line of the Southwest Quarter of Section 4 has been assigned the bearing of North 0 degrees 48 minutes 27 seconds East."; and immediately below the end of Article 5, by inserting the following:

"ARTICLE 6

Section 6-5. Upon payment of the sum of \$1, the Director of the Historic Preservation Agency, on behalf of the State of Illinois, is authorized to convey by quitclaim deed to Lewis University all right, title, and interest in and to the following described real property located in Will County, Illinois:

That part of Lot 8 in Fitzpatrick Subdivision, being a subdivision of part of Section 15, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded May 12, 1933, in Plat Book 23, pages 30 and 31 as document no. 464335, described as follows: commencing at the southwest corner of the southeast 1/4 of said Section 15; thence north along the north-south center line of said Section 15, for a distance of 1,089 feet; thence west and perpendicular to the last described line for a distance of 155.13 feet to the east right-of-way line of Illinois State Route 53; thence north along said right-of-way line for a distance of 110 feet for a point of beginning; thence east and perpendicular to the last described line for a distance of 300 feet; thence north and perpendicular to the last described line for a distance of 350 feet; thence west and perpendicular to the last described line a distance of 300 feet to the east right-of-way line of Illinois State Route 53; thence south along said right-of-way line for a distance of 350 feet to the point of beginning, all in Will County, Illinois.

Section 6-10. The conveyance of real property authorized by Section 6-5 shall be made subject to the express condition that the property must be maintained as a historic property in accordance with the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings, and the property must be used for public or educational purposes and that if the property ceases to be used for public or educational purposes, or is not maintained as a historic building it shall revert to the State of Illinois without further action on the part of the State.

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ARTICLE 7

Section 7-5. The Director of the Department of Natural Resources, on behalf of the State of Illinois, is authorized to execute and deliver to the Plainfield Township Park District, for and in consideration of \$1 paid to said Department, a quit claim deed to the following described real property, to wit:

TRACT 1A (EAST):

That part of the following described parcel lying North of the Indian Boundary Line of the North 22 chains of the Northwest fractional 1/4 of Section 3, in Township 36 North and in Range 9 East of the Third Principal Meridian, described as follows:

Commencing at a point 22 chains South of the Northwest corner of said Northwest fractional 1/4 of Section 3, thence East parallel with the North line of said Section 3, (North 90 degrees East) 975.64 feet, to a point of beginning; thence North 90 degrees East, 1667.55 feet, to the East line of Northwest fractional 1/4 of said Section 3; thence North 00 degrees 09 minutes 46 seconds West, 22 chains, to the North line of Northwest fractional 1/4 of said Section 3; thence South 90 degrees West, 928.19 feet; thence South 08 degrees West, 100.0 feet; thence South 10 degrees 32 minutes West 67.97 feet; thence South 25 degrees West, 500.0 feet; thence South 36 degrees West, 300.0 feet; thence South 30 degrees West, 300.0 feet; thence South 23 degrees 30 minutes West, 300.0 feet; thence South 43 degrees West, 75.70 feet to the Point of Beginning;

TRACT 1B:

That part of the following described parcel lying South of the Indian Boundary Line:

The North 22 chains of the Northwest fractional Quarter of Section 3, in Township 36 North and in Range 9 East of the Third Principal Meridian;

TRACT 2A (EAST):

That part of the following described parcel lying North of the Indian Boundary Line and that part of said Northwest fractional 1/4 of Section 3, Township 36 North and in Range 9 East of the Third Principal Meridian, described as follows: Commencing at a point 22 chains South of the Northwest corner of said Northwest fractional 1/4 of Section 3, running thence South 3.82 1/3 chains (South 00 degrees 09 minutes 46 seconds East); thence East parallel with the North line of said Section 3, (North 90 degrees East) 755.0 feet, to a point of beginning; thence North 90 degrees East 894.14 feet; thence South parallel with the West line of said Section 3, 8.19 chains to a stone on the West Bank of the DuPage River; thence East, 6.50 chains; thence North 70 degrees East, 8.50 chains; thence West, 2.80 chains to the center thread of the DuPage River; thence along the center thread of the said river North 32 degrees East, 6 chains; thence North 13 degrees East, 4.25 chains to the Northeast corner of said Tract in the center thread of the said river; thence West parallel to the North Section line, 1698.68 feet; thence South 43 degrees West, 224.3 feet; thence South 28 degrees West, 100.0 feet to the Point of Beginning;

TRACT 2B:

That part of the following described parcel lying South of the Indian Boundary Line:

That part of said Northwest fractional 1/4 of Section 3, Township 36 North and in Range 9 East of the Third Principal Meridian, described as follows: Beginning at a point 22 chains South of the Northwest corner of said Northwest fractional 1/4 of Section 3, running thence South 3.82 1/3 chains; thence East parallel with

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the North line of said Section, 25.29 chains; thence South parallel with the West line of said Section, 8.19 chains to a stone on the West bank of the DuPage River; thence East 6.50 chains; thence North 70 degrees East, 8.50 chains; thence West 2.80 chains to the center thread of the DuPage River; thence along the center thread of the said river North 32 degrees East, 6 chains; thence North 13 degrees East, 4.25 chains to the Northeast corner of said tract in the center thread of the river; thence West parallel to the North Section line, 40.52 chains to the Point of Beginning;

TRACT 3A:

That part of the following described parcel lying North of the Indian Boundary Line:

That part of the West 1/2 of the Northeast 1/4 of said Section 3, lying West of the center thread of the Dupage River, in Township 36 North and in Range 9 East of the Third Principal Meridian;

TRACT 3B:

That part of the following described parcel lying South of the Indian Boundary Line:

That part of the West 1/2 of the Northeast 1/4 of said Section 3, lying West of the center thread of the DuPage River, in Township 36 North and in Range 9 East of the Third Principal Meridian;

Containing in all 74.771 acres, more or less, all situated in Will County, Illinois.

Section 7-10. The conveyance of real property authorized by Section 7-5 shall be made subject to the condition that said real property shall be used for the promotion, protection and preservation of wildlife and the setting aside of the real property for open space and outdoor recreational activities specifically that the part of the 74.771 acres lying in the flood plain and adjacent to the DuPage River shall be set aside and left as best it can in its natural state, though permitting its limited development with walking and hiking paths and that that part of the 74.771 acres lying west of the west flood plain line adjacent to the DuPage River may be used for open space and outdoor recreational activities, including the construction of parking lots, washrooms, picnic grounds and outdoor recreational facilities and buildings ancillary thereto, reference being had to that Order of Distribution and Settlement entered May 14, 1997, in the Circuit Court of the 12th Judicial Circuit, Will County, Illinois, in Case Number 95-PE-3202."

The motion prevailed and the amendment was adopted and ordered printed.

And House Bill No. 4453, as amended, was returned to the order of third reading.

READING A BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Donahue, House Bill No. 4453 having been printed as received from the House of Representatives, together with all Senate Amendments adopted thereto, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 57; Nays None.

The following voted in the affirmative:

Bomke
Bowles

[May 29, 2002]

Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpel
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid
Shaw
Sieben
Silverstein
Smith
Stone
Sullivan
Syverson
Trotter
Viverito
Walsh, L.
Walsh, T.
Watson
Weaver
Welch
Woolard
Mr. President

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives

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thereof and ask their concurrence in the Senate Amendments adopted thereto.

CONSIDERATION OF HOUSE AMENDMENTS TO SENATE BILL
ON SECRETARY'S DESK

On motion of Senator Sullivan, Senate Bill No. 2081, with House Amendments numbered 1, 2 and 5 on the Secretary's Desk, was taken up for immediate consideration.

Senator Sullivan moved that the Senate concur with the House in the adoption of their amendments to said bill.

And on that motion, a call of the roll was had resulting as follows:

Yeas 58; Nays None.

The following voted in the affirmative:

Bomke
Bowles
Brady
Burzynski
Cronin
Cullerton
DeLeo
del Valle
Demuzio
Dillard
Donahue
Dudycz
Geo-Karis
Halvorson
Hawkinson
Hendon
Jacobs
Jones, E.
Jones, W.
Karpier
Klemm
Lauzen
Lightford
Link
Luechtefeld
Madigan
Mahar
Molaro
Munoz
Myers
Noland
Obama
O'Daniel
O'Malley
Parker
Peterson
Petka
Radogno
Rauschenberger
Ronen
Roskam
Shadid

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Shaw
 Sieben
 Silverstein
 Smith
 Stone
 Sullivan
 Syverson
 Trotter
 Viverito
 Walsh, L.
 Walsh, T.
 Watson
 Weaver
 Welch
 Woolard
 Mr. President

The motion prevailed.

And the Senate concurred with the House in the adoption of their Amendments numbered 1, 2 and 5 to Senate Bill No. 2081.

Ordered that the Secretary inform the House of Representatives thereof.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION NO. 448

Offered by Senator Peterson and all Senators:
 Mourns the death of Dane Prowse of Lincolnshire.

The foregoing resolution was referred to the Resolutions Consent Calendar.

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 3 to Senate Bill 1588
 Motion to Concur in House Amendment 1 to Senate Bill 2164

LEGISLATIVE MEASURE FILED

The following floor amendment to the House Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 2 to House Bill 5168

At the hour of 4:58 o'clock p.m., on motion of Senator Mahar, the Senate stood adjourned until Thursday, May 30, 2002 at 10:00 o'clock a.m.

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